

REMARKS

Claims 1, 17 and 18 are pending in this application. Claim 1 has been cancelled. Claims 17 and 18 have been amended for clarity and to fully encompass Applicants' invention. Applicants reserve the right to present any cancelled subject matter in a co-pending application.

Claim 17 has been amended to read "A method of treating a disease or pathologic condition associated with G-protein receptor kinase activity in a patient where the disease or pathologic condition is addiction to an opiate and the G-protein receptor kinase activity would otherwise cause desensitization of a μ -opioid receptor controlling said addiction, said method comprising the step of administering ethyl nitrite." (See, *inter alia*, original claims 1 and 17.)

Claim 18 has been amended to read "A method of treating a disease or pathologic condition associated with G-protein receptor kinase activity in a patient where the disease or pathologic condition is rheumatoid arthritis and where the G-protein receptor kinase activity would otherwise cause desensitization of a receptor controlling said rheumatoid arthritis, said method comprising the step of administering ethyl nitrite." (See, *inter alia*, original claims 1 and 18.)

The amendments are supported by the application as originally filed, and do not constitute new matter. Entry of the amendments is respectfully requested.

Informalities

The Examiner objected to an informality in the specification. The appropriate amendment has been made to specification.

Rejections Under 35 U.S.C. 112, First Paragraph

Claims 1, 17 and 18 have been rejected under 35 U.S.C. 112, first paragraph allegedly because the specification "does not reasonably provide enablement for treating a subject having such a disease or pathologic condition, i.e., having no therapeutic objective for treating the patient having the bone disorder" and because the therapeutic objective set forth in claim 1 "modifies the intended host rather than the therapeutic objective of 'treating'" (Office Action, pp. 2-3). Applicants have cancelled claim 1 and amended claims 17 and 18 as discussed above. Applicants

believe that this rejection is overcome and that claims 17 and 18 are allowable.

Double Patenting

Claim 1 has been rejected based on statutory double patenting under 35 U.S.C. 101. The Examiner states that claim 1 claims the same invention as claim 1 of U.S. Patent No. 6,627,602. Applicants have cancelled claim 1.

Claims 17 and 18 have been rejected based on the judicially-created doctrine of double patenting. The Examiner states that the specific disease states of claims 17 and 18 would be encompassed by the patented "a disease or pathologic condition associated with G-protein receptor kinase activity" (Office Action, p. 4). Applicants have filed a terminal disclaimer in compliance with 37 CFR 1.321(c) in conjunction with this Response. Applicants believe that this rejection is overcome and that claims 17 and 18 are allowable.

CONCLUSION

Applicants respectfully submit that the present application complies with 37 C.F.R. §1.121. Applicants have included a fee for a two-month extension of time and believe no further fee is due at this time; however, the Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Reference Number: 28195-507 CON (Customer Number: 35437).

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

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Respectfully submitted,



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